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6	THEODORE W. WILSON	
7		
8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
10)
11	THEODORE W. WILSON,) NO. CIV S-02-2169 MCE KJM P
12	Plaintiff,) STIPULATION AND ORDER) REGARDING THE TESTIMONY OF
13	VS.) PLAINTIFF'S EXPERT WITNESS) JOHN D. HOFBAUER, M.D.
14	SEGUNDO O. OBEDOZA, M.D.,) Trial Date: January 28, 2008
15	Defendant.))
16))
17	The parties, through their undersigned counsel of record, hereby stipulate and agree that	
18	the Plaintiff's expert witness, John D. Hofbau	uer, M.D., be allowed to testify at the upcoming trial

The parties, through their undersigned counsel of record, hereby stipulate and agree that the Plaintiff's expert witness, John D. Hofbauer, M.D., be allowed to testify at the upcoming trial of this case by deposition. The parties will take the deposition of the witness, and the deposition of the witness will be recorded by both stenographic means and by videotape pursuant to Rule 30. Following the deposition the parties will designate sections of the videotape to be viewed by the jury and corresponding transcripts to be provided to the court. To the extent the parties cannot agree on these designations they will ask the Court the rule on any objections at the pretrial hearing.

The Court finds that the requirements of Rule 32 are met in that the witness will be greater than 100 miles from the place of the trial and that exceptional circumstances exist as to make it desirable in the interest of justice that the witness' testimony be presented by deposition. Dr. Hofbauer's office is currently located at 416 N. Bedford Drive, Suite 300, Beverly Hills, CA

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1	90210. Furthermore, the fee schedule of Dr. Hofbauer, as attached as Exhibit A, demonstrates		
2	costs of upwards of \$5,000 for court appearances, not including travel expenses. Mr. Wilson, as		
3	a former inmate of the California Department of Corrections, now known as the California		
4	Department of Corrections and Rehabilitation, appears in forma pauperis. (Doc. 5). The Court		
5	has granted Mr. Wilson advanced authority to incur costs for a medical expert in the amount of		
6	\$5,000 as pursuant to the Court's order of September 1, 2004. (Doc. 33). Approximately half of		
7	this money has been spent recruiting and retaining a medical expert. Therefore, to remain within		
8	the cost limitations as provided by the Court, the parties respectfully request the Court enter this		
9	Stipulation as an Order of the Court.		
10	Dated: October 17, 2007		
11	Signed:		
12	/S/ Carter C. White		
13	Carter C. White		
14	Attorney for Plaintiff		
15	/S/ Oliver Lewis		
16	Oliver Lewis Attorney for Defendant		
17			
18	IT IS SO ORDERED.		
19			
20			
21	Dated: October 19, 2007		
22 23	Malun M.		
24	MORRISON C. ENGLAND, JR.		
25	UNITED STATES DISTRICT JUDGE		
26			
27			
28			